

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 8:36 AM
To: Mason; Janice L (GOV)
Subject: FW: Congrats!

From: Holly Webb [mailto:hwebb@qwestoffice.net]
Sent: Monday, September 15, 2008 8:02 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: Congrats!

Hello Sarah,

I'm not sure if you will remember me right off the top of your head, but we lived in Wasilla when you were Mayor and our children, Track and Marshall, Bristol and Mindy, went to school (Iditarod Elem) together and played sports together also, until Track and Bristol went to Teeland. We moved back to Utah in 2003 after my husband's job in the interior ended, and we wanted to get back to family here before they were no longer, my husband lost his father in June 2007 so it was a difficult, but wise decision.

Belated congratulations on your nomination for the Vice Presidency! Pretty exciting, I'm sure, and maybe a little daunting all at the same time (of course that's mostly where the media is concerned!). I know you will do an awesome job if you stick to your core beliefs and don't let the social and political pressures drag you down. You've done well by Alaska so far it seems.

I heard from Austin Bulawa months ago that Track had gone into the service. Good for him! Marshall is also in the army, he is serving in Iraq right now, left in June 2008 for 15 months. I don't know about you, but it sure is scary sometimes, but I'm so proud of Marshall anyway that he chose to serve God and his country because he believes in them. I'm sure you miss Track like I miss Marshall. I look forward to his leaves. He is now married, too, to a local Alaska girl he met in middle school while we were there. She has decided to come to school down here by us (at the same college Juanita Fuller attended) until Marshall returns to his base in Texas, I think that helps us both deal with his temporary absence for service. You are the only mom I've personally been acquainted with right now whose child is also serving in the military, I hope you don't mind my feeling like we could relate again on some small level. How is Track doing?

And, too, my seventeen yr old daughter, Mindy, finds herself in the same predicament as Bristol. So again, I hope you don't mind if I feel I can identify with you in some small way. I know you and Todd have done the best job you two could with your children and encouraged them to make good sound judgments for their futures. We have, too, but it is in their hands now and we are left to support their decisions and continue to give them what guidance we can.

Also, congratulations on the birth of Trig. He is a beautiful little baby, and yes a gift from God. He is sent as a perfect being to receive a body and to remind the rest of our hearts of our Creator and how He watches over us and to see how we will treat those special ones He sends down. You my friend have passed the test with flying colors and Trig will bring your family much joy! You are an elect and

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blessed lady, Sarah, and I am honored to have associated with you and your family.

My husband, Mike, and I, as well as the rest of our family are behind you all the way. Lead on...

Holly Webb

Legal Assistant

Reed R. Braithwaite, P.C.

50 East 100 South, Suite 101

St. George, UT 84770

Phone: (435) 628-2094

Fax: (435) 656-4669

8/31/2009

PRA_GSP01_0024055

Unknown

From: Internet Mail Delivery [postmaster@jnumail1.state.ak.us]

Sent: Wednesday, September 17, 2008 2:41 PM

To: sp@hslak.com

Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024056

Unknown

From: Rosemary Frankian [rosebud@frankian.net]
Sent: Wednesday, September 17, 2008 3:41 PM
To: gov.palin@yahoo.com
Cc: Frye; Ivy J (GOV)
Subject: a sincere message for Sarah

Dear Sarah:

I truly hope this reaches you. Ever since I first heard the media as well as the Democratic critics attack your "lack of experience" I have wanted to send this message.

The first time I was privileged to vote was in the 1952 election. I had just turned 21 in the spring, was a recent graduate of Indiana University, and was anxious to exercise this wonderful freedom to pick my candidate. (Having been raised in a conservative Republican family might have swayed me a little bit.) I heard Gen. Eisenhower answer a question on T-V about his notion that he had the ability to serve as President since he had no previous experience other than the military.

His response was brilliant and I gained a sudden feeling of confidence in this military man. He said, "I may not know all there is to know about Economics. I may not know all there is to know about fiscal responsibility. I may not know all there is to know about foreign affairs, BUT as your President I will have the power to hire as advisors the people that do know."

Please use his quotation.

Sincerely,

Rosemary Frankian, a California Republican

P. S. If this Email goes through, I'm going to send you another about Teddy Roosevelt whose credentials you have in common!

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 11:08 AM
To: Lopez; Thomas M (GOV)
Cc: Cayce; Sunny C (DOA)
Subject: FW: Ak_History_Facts

-----Original Message-----

From: WebMail@govweb.alaska.gov [mailto:WebMail@govweb.alaska.gov]
Sent: Friday, September 12, 2008 8:11 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Ak_History_Facts

Web mail from: Clint Becker

address: 1289 emark street Juno AK 98987

MESSAGE:

You need to be shot from one of the planes that shoot th the very wolves that you ordered. You fucking whore, im comong to see you personally ,,, i want to look into the eyes of a phony cunt witha whore of a daughter and votes to over turn roe vers wade, you worthless piece of flesh,, don't you vermon ever get it repukes and democrats, we are the virous of this plannet, but you so full of your self you to lost in the game of nothing but killing, i own guns, and will fight any gun owner hands down witha simple throwing knife, how about you palin,,,want go hunting for wolves still? lets make you run in your heels, you fucking ugly pig!!!!!!!!!!!!!!!!!!!!

cbeckerb@aol.com

Unknown

From: Internet Mail Delivery [postmaster@jnumail1.state.ak.us]

Sent: Wednesday, September 17, 2008 3:53 PM

To: sp@hslak.com

Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024060

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 11:05 AM
To: Fagerstrom; Erika (GOV)
Subject: FW: Other

-----Original Message-----

From: WebMail@govweb.alaska.gov [mailto:WebMail@govweb.alaska.gov]
Sent: Saturday, September 13, 2008 5:02 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: Other

Web mail from: Mr. Paul McCauley
address: 110 Rio Pinar Dr. Ormond Beach FL 32174
386-672-3885

MESSAGE:

Dear Sarah,

I admire you very much and will vote for you and Rep party.

I need assistance from your Husband.

Need his mailing address. It involves some union issues.

My brother is a local VP and needs to write a letter to him.

Can you assist with his US Postal address? If not, email address may suffice.

Please keep up the great work,,,we love youan my family loves you as well.

Paul

registhecat@live.com

Unknown

From: Nizich, Michael A (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MANIZICH]

Sent: Wednesday, September 17, 2008 2:41 PM

To: sp@hslak.com

Subject: Rhonda

Just a heads up, you will be getting an email from Rhonda indicating that she has a job offer from to Channel 2 which she has essentially accepted. She told me this morning in confidence. You will be getting something from her probably today notifying you that she will be leaving around October 6th.

Mike

8/24/2009

PRA_GSP01_0024063

Unknown

From: Internet Mail Delivery [postmaster@numail1.state.ak.us]
Sent: Wednesday, September 17, 2008 1:53 PM
To: sp@hslak.com
Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024064

Unknown

From: Meat Attack [meatamorphoses@gmail.com]
Sent: Wednesday, September 17, 2008 1:34 PM
To: gov.palin@yahoo.com
Subject: Caribou Barbi Song

<http://www.myspace.com/cariboubarbie>

If you steal the forbidden fruit from the tree it makes *you* the judge; not God.

God gave mankind the freedom to make his or her own mistakes.

Let God be the judge and he will reward you in kind.

Otherwise you burn in hell.

8/31/2009

PRA_GSP01_0024065

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 10:47 AM
To: Mason; Janice L (GOV)
Cc: Fagerstrom; Erika (GOV)
Subject: FW: Todd Palin does NOT belong in your meetings

From: toonster@gci.net [mailto:toonster@gci.net]
Sent: Saturday, September 13, 2008 4:36 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Todd Palin does NOT belong in your meetings

I am very angry after hearing of the increasing involvement of Mr. Palin in state business, meetings and emails. As an Alaskan resident of almost 29 years, I am almost in disbelief of this seemingly accepted practice in the governor's office and business.

We did not vote for Mr. Palin, and unless he holds an official capacity, he has no business attending meetings and being cc'd on state business emails. I feel that Governor Palin is throwing aside common sense and especially respect for Alaskan constituents to condone and encourage this type of political behaviour. I'm so disappointed and disgusted. I will continue to monitor this development and speak out against this practice. Send Mr. Palin home and give us a good explanation of why you ever thought this was going to be OK with Alaskan residents!

Martha Toon
6734A Marguerite St
Juneau, AK 99801
907.463.3588

8/31/2009

PRA_GSP01_0024066

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 10:40 AM
To: Lopez; Thomas M (GOV)
Cc: Cayce; Sunny C (DOA)
Subject: FW: opinion

From: betty lathouwers [mailto:bettylathouwers@gmail.com]
Sent: Saturday, September 13, 2008 12:00 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: opinion

I hope that they shoot that bitch from a small plane just like some mental disabled freaks do with the wolves in alaska. only sarah palin is NO LOST for humanity
better today than tomorrow !! only on that moment justice will be accomplished...
sincerely yours
betty
antwerp
belgium

8/31/2009

PRA_GSP01_0024067

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 10:45 AM
To: Mason; Janice L (GOV)
Subject: FW: hi Sarah(for todd and Sarah)

Some pics of the Gov.

-----Original Message-----

From: joel crouch [mailto:manoverboard2@yahoo.com]
Sent: Saturday, September 13, 2008 9:24 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Re: hi Sarah(for todd and Sarah)

Sarah ,I was at lebanon.ohio.I know alot has happened quickly for you so i'll try to jog your memory..You were greeting on the street and i came up to you i have a labrette in my face aand earrings and i said I'm praying for you..I'm male 44 (Your Age;) You said "we are praying for you too.."I looked very unrepublican..lol but i'm conservative and republican..But anyway renew your strength and come out swinging..God has called you to this position that's why it was such a simple yes.You are needed to bring America out of the blindness that's over it and the Spirit that is controlling it..There is a prayer militia that's holding you up now! Roar like a lion in the presence of your enemies and those who would lie against you..Be confident in his strength because he will give you the words to say when you need them and he will guide your steps..I believe your vp position with bring financial blessing over America and a spiritual revival here too..I never

realised that Mccain was God's man until recently..God's been working on his heart and i'm proud of him..You will go out in battle with John Mccain with Deborah's mantle on you..Stay in prayer in your times of quiet and God Will raise you up ...I'm sending you some pics from the rally ..You hubby is in some..

Love you in Christ,

Joel Crouch

--- On Sat, 9/6/08, joel crouch <manoverboard2@yahoo.com> wrote:

> From: joel crouch <manoverboard2@yahoo.com>
> Subject: hi Sarah
> To: governor@gov.state.ak.us
> Date: Saturday, September 6, 2008, 4:39 PM
> Sarah i'm so proud that you have heard God's call to
> be Vice President of this country..I know you are a believer

> and being called to do what he has called you to do..We are
> praying..We need you to get the vice presidency..I saw this
> video that dealt in prophesy about the coming election..A
> little encouragement perhaps a little reminder of what he
> has called and chosen you to do..He's talking to you
> when he says.."I'm gonna sneak my man in by the
> back door"..Please don't dismiss this as a crackpot
> sending you something but watch this video..
> <http://www.youtube.com/watch?v=EHPj3F9AqyY&feature=related>
> Me and my partner were praying that we would get another
> Reagan and then McCain nominated you..
> Perfect Choice...:)
> God's Blessing is on you.. Debora's Mantle is upon
> you. and now my feeling on McCain has very much improved..
> Bless you,
> Joel crouch
> 513-393-6763
> 513-393-2929

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 10:39 AM
To: Mason; Janice L (GOV)
Cc: Rowland; Mindy B (GOV)
Subject: FW: (no subject)

From: BDewberry@aol.com [mailto:BDewberry@aol.com]
Sent: Friday, September 12, 2008 4:49 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: (no subject)

Dear Gov. Palin:

Will you come to Texas for a luncheon fundraiser?

We were in the Snow City Cafe this AM and over heard Jay Ramas talking about you and a vote to be taken this afternoon. We said hello and asked if you were in town and that we loved you--wanted you to come to TX. He said you were not smart and were dangerous. He said he would vote for McCain --but not you. What is his problem? He seemed like he had an unfair agenda about you.

We have surveyed people here since our arrival and passing out McCain/Palin stickers (we had printed in TX) and they either really like you or love you. We love you too and will be working here on our trip and in Texas when we go home.

God Bless and Good Fortune and please let's win in Nov.

Sincerely,

Barbara Dewberry

7532 Glen Albens Cir.
Dallas, TX 75225
214 521 1963

cell with us 214 384 3484
email bdewberry@aol.com

Pssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

8/31/2009

PRA_GSP01_0024070

Unknown

From: Keith Moyer [moyerk@alaska.net]
Sent: Wednesday, September 17, 2008 10:44 AM
To: Papasodora; John J (DPS); Colberg; Talis J (LAW); Gomez; Heidi M (DPS); Glass; John D (DPS); Carson; Kyle B (DPS); Tugmon; David C (DPS); Glick; John R (DPS); Leveque; Matthew C (DPS); Holloway; Audie E (DPS); Kevin Frysle FBI; Palin; Sarah H (GOV); Parnell; Sean R (GOV); Laura Oates; Dave Stroh; Dennis Cork
Subject: Court Orders being violated - These are crimes in the State of Alaska that are not investigated nor enforced

To Whom It May Concern:

These are some more court orders being violated.
I also have pictures and video of the damage and items.
Yet the Trooper's will not open an investigation nor provide me with any information I've requested.

**These are crimes in the State of Alaska that are not investigated nor enforced.
The people involved:**

Kathleen R. Johnson –
aka Ranell C. Cox
aka Kathy Cox
aka Ranell Bagge
aka Ranell C. Johnson

Our investigation shows her legal name as Ranell C. Johnson. We have Washington State Court documents showing this was the only name change. Her social security number has also been changed.
and Edward Lee Cheeks.

Regards, Keith Moyer

Emailed On 9/9/2008

Trooper Carlson,

RE: Reported violation of court order 8/30/2008 4:30pm - 38365 Evergreen Dr Sterling

Thank you, coming out to look at my Sterling home on 8/30/2008 4:30pm.
The reason for this email is to provide it to the courts to show I did indeed attempt to file a report of violating a court order.

I've have attached the court orders that Kathleen Johnson has violated. Would you please reviews these orders and confirm that you are not willing to investigate and or make an arrest in this matter. The damaged items are valued at around \$ 20,000 not including the items in the house.

I would also so like copies of the log notes and pictures of the items you took.

The reason I'm asking you, is the records department, Trooper Shanigan and Guymon are not responding to my past requests for Trooper reports.
Ms Holt and here son are directly involved in the false charges against me.

8/31/2009

I would hope that you would take the time to do the right time. Thank You!

Regards, Keith

Keith Moyer

Cell Phone: (907) 398-3767

Mailing Address: P.O. Box 1390 Sterling, Alaska 99672

8/31/2009

PRA_GSP01_0024072

Unknown

From: Internet Mail Delivery [postmaster@ancmail1.state.ak.us]

Sent: Wednesday, September 17, 2008 9:47 PM

To: sp@hslak.com

Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024073

Unknown

From: Palin, Sarah (GOV sponsored) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=GOVSP]
Sent: Wednesday, September 17, 2008 4:24 PM
To: Burkert, Erin E (GOV); Leighow, Sharon W (GOV); Hughes, Rosanne D (GOV)
Cc: Rowland, Mindy B (GOV); Campbell, Craig (MVA)
Subject: Re: PR 08-159 Alaska Guardsmen Return Home from Hurricane Support 091508
Attachments: image001.jpg

Thanks much!

From: Burkert, Erin E (GOV)
To: Leighow, Sharon W (GOV); Hughes, Rosanne D (GOV)
Cc: Rowland, Mindy B (GOV)
Sent: Wed Sep 17 14:57:33 2008
Subject: PR 08-159 Alaska Guardsmen Return Home from Hurricane Support 091508

☒ Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

FOR IMMEDIATE RELEASE

No. 08-159

**Alaska Guardsmen Return Home from Hurricane Support
Alaska Air National Guard rescues 16**

September 17, 2008, Juneau, Alaska – Twenty-six members of the Alaska Air National Guard are returning home today after deploying in support of hurricanes Gustav, Hannah and Ike in the Gulf Coast region.

Responding to a request from the states of Louisiana and Texas, the Alaska Air National Guard's 176th Wing deployed two HH-60 Pave Hawk helicopters and airmen on September 1 to support search-and-rescue efforts.

"This mission was a true testament to the training and capabilities of our Alaska Air National Guardsmen," Governor Palin said. "I was pleased to be able to direct our Alaska National Guardsmen to deploy to the Gulf Coast region and support the citizens of those states in a critical time of need."

The Alaska Air National Guard deployed under the auspices of the Emergency Management Assistance Compact, a program that allows guard units to mobilize upon request to render assistance to other states.

"Our Alaska Air National Guardsmen were the perfect fit for the mission, said Lieutenant General

8/31/2009

PRA_GSP01_0024074

(Alaska) Craig E. Campbell, adjutant general of the Alaska National Guard." "We perform these missions everyday here in Alaska and that's why the governors of Louisiana and Texas requested support from Gov. Sarah Palin. When you want the best, you ask for the best, and the Alaska Air National Guard is world-renowned for having the experience and professionalism to perform in the harshest conditions."

Alaska is one of several state Guard organizations that rendered assistance to the Gustav, Hannah and Ike impact zone.

Members of the 176th Wing flew 22 missions and were awarded 16 saves during their 16-day deployment to the Gulf Coast region.

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8/31/2009

PRA_GSP01_0024075

Unknown

From: Rosemary Frankian [rosebud@frankian.net]
Sent: Wednesday, September 17, 2008 3:41 PM
To: gov.palin@yahoo.com
Cc: Frye, Ivy J (GOV)
Subject: a sincere message for Sarah

Dear Sarah:

I truly hope this reaches you. Ever since I first heard the media as well as the Democratic critics attack your "lack of experience" I have wanted to send this message.

The first time I was privileged to vote was in the 1952 election. I had just turned 21 in the spring, was a recent graduate of Indiana University, and was anxious to exercise this wonderful freedom to pick my candidate. (Having been raised in a conservative Republican family might have swayed me a little bit.) I heard Gen. Eisenhower answer a question on T-V about his notion that he had the ability to serve as President since he had no previous experience other than the military.

His response was brilliant and I gained a sudden feeling of confidence in this military man. He said, "I may not know all there is to know about Economics. I may not know all there is to know about fiscal responsibility. I may not know all there is to know about foreign affairs, BUT as your President I will have the power to hire as advisors the people that do know."

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Sincerely,

Rosemary Frankian, a California Republican

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about Teddy Roosevelt whose credentials you have in common!

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Web mail from: Clint Becker

address: 1289 emark street Juno AK 98987

MESSAGE:

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cbeckerb@aol.com

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 11:05 AM
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Subject: FW: Other

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Web mail from: Mr. Paul McCauley
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MESSAGE:

Dear Sarah,

I admire you very much and will vote for you and Rep party.

I need assistance from your Husband.

Need his mailing address. It involves some union issues.

My brother is a local VP and needs to write a letter to him.

Can you assist with his US Postal address? If not, email address may suffice.

Please keep up the great work,,,we love youan my family loves you as well.

Paul

registhecat@live.com

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Love you in Christ,

Joel Crouch

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> Subject: hi Sarah
> To: governor@gov.state.ak.us
> Date: Saturday, September 6, 2008, 4:39 PM
> Sarah i'm so proud that you have heard God's call to
> be Vice President of this country..I know you are a believer

> and being called to do what he has called you to do..We are
> praying..We need you to get the vice presidency..I saw this
> video that dealt in prophesy about the coming election..A
> little encouragement perhaps a little reminder of what he
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> back door"..Please don't dismiss this as a crackpot
> sending you something but watch this video..
> <http://www.youtube.com/watch?v=EHPj3F9AqyY&feature=related>
> Me and my partner were praying that we would get another
> Reagan and then McCain nominated you..
> Perfect Choice...:)
> God's Blessing is on you.. Debora's Mantle is upon
> you. and now my feeling on McCain has very much improved..
> Bless you,
> Joel crouch
> 513-393-6763
> 513-393-2929

Unknown

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Sent: Wednesday, September 17, 2008 2:41 PM

To: sp@hslak.com

Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024083

Unknown

From: Internet Mail Delivery [postmaster@numail1.state.ak.us]

Sent: Wednesday, September 17, 2008 1:53 PM

To: sp@hslak.com

Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024084

Unknown

From: Meat Attack [meatamorphoses@gmail.com]
Sent: Wednesday, September 17, 2008 1:34 PM
To: gov.palin@yahoo.com
Subject: Caribou Barbi Song

<http://www.myspace.com/cariboubarbie>

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God gave mankind the freedom to make his or her own mistakes.

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Otherwise you burn in hell.

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PRA_GSP01_0024085

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Sent: Wednesday, September 17, 2008 10:47 AM
To: Mason; Janice L (GOV)
Cc: Fagerstrom; Erika (GOV)
Subject: FW: Todd Palin does NOT belong in your meetings

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Sent: Saturday, September 13, 2008 4:36 PM
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Martha Toon
6734A Marguerite St
Juneau, AK 99801
907.463.3588

8/31/2009

PRA_GSP01_0024086

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 10:40 AM
To: Lopez; Thomas M (GOV)
Cc: Cayce; Sunny C (DOA)
Subject: FW: opinion

From: betty lathouwers [mailto:bettylathouwers@gmail.com]
Sent: Saturday, September 13, 2008 12:00 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: opinion

I hope that they shoot that bitch from a small plane just like some mental disabled freaks do with the wolves in alaska. only sarah palin is NO LOST for humanity
better today than tomorrow !! only on that moment justice will be accomplished...
sincerely yours
betty
antwerp
belgium

8/31/2009

PRA_GSP01_0024087

Unknown

From: Nizich, Michael A (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MANIZICH]
Sent: Wednesday, September 17, 2008 8:35 AM
To: 'sp@hslak.com'
Subject: FW: TANYA PHOTOS

A little Alaska for you, notice the hat

From: Tanya Nizich [mailto:spicet_11@hotmail.com]
Sent: Wednesday, September 17, 2008 8:28 AM
To: Nizich, Michael A (GOV)
Subject: RE: TANYA PHOTOS

GO MCCAIN!!

notice the hat.

See how Windows connects the people, information, and fun that are part of your life. [See Now](#)

8/26/2009

PRA_GSP01_0024088

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 10:39 AM
To: Mason; Janice L (GOV)
Cc: Rowland; Mindy B (GOV)
Subject: FW: (no subject)

From: BDewberry@aol.com [mailto:BDewberry@aol.com]
Sent: Friday, September 12, 2008 4:49 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: (no subject)

Dear Gov. Palin:

Will you come to Texas for a luncheon fundraiser?

We were in the Snow City Cafe this AM and over heard Jay Ramas talking about you and a vote to be taken this afternoon. We said hello and asked if you were in town and that we loved you--wanted you to come to TX. He said you were not smart and were dangerous. He said he would vote for McCain --but not you. What is his problem? He seemed like he had an unfair agenda about you.

We have surveyed people here since our arrival and passing out McCain/Palin stickers (we had printed in TX) and they either really like you or love you. We love you too and will be working here on our trip and in Texas when we go home.

God Bless and Good Fortune and please let's win in Nov.

Sincerely,

Barbara Dewberry

7532 Glen Albens Cir.
Dallas, TX 75225
214 521 1963

cell with us 214 384 3484
email bdewberry@aol.com

Pssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

8/31/2009

PRA_GSP01_0024089

Unknown

From: Keith Moyer [moyerk@alaska.net]
Sent: Wednesday, September 17, 2008 10:44 AM
To: Papasodora; John J (DPS); Colberg; Talis J (LAW); Gomez; Heidi M (DPS); Glass; John D (DPS); Carson; Kyle B (DPS); Tugmon; David C (DPS); Glick; John R (DPS); Leveque; Matthew C (DPS); Holloway; Audie E (DPS); Kevin Fryslie FBI; Palin; Sarah H (GOV); Parnell; Sean R (GOV); Laura Oates; Dave Stroh; Dennis Cork
Subject: Court Orders being violated - These are crimes in the State of Alaska that are not investigated nor enforced

To Whom It May Concern:

These are some more court orders being violated.
I also have pictures and video of the damage and items.
Yet the Trooper's will not open an investigation nor provide me with any information I've requested.

These are crimes in the State of Alaska that are not investigated nor enforced.

The people involved:

Kathleen R. Johnson –
aka Ranell C. Cox
aka Kathy Cox
aka Ranell Bagge
aka Ranell C. Johnson

Our investigation shows her legal name as Ranell C. Johnson. We have Washington State Court documents showing this was the only name change. Her social security number has also been changed.
and Edward Lee Cheeks.

Regards, Keith Moyer

Emailed On 9/9/2008

Trooper Carlson,

RE: Reported violation of court order 8/30/2008 4:30pm - 38365 Evergreen Dr Sterling

Thank you, coming out to look at my Sterling home on 8/30/2008 4:30pm.
The reason for this email is to provide it to the courts to show I did indeed attempt to file a report of violating a court order.

I've have attached the court orders that Kathleen Johnson has violated. Would you please reviews these orders and confirm that you are not willing to investigate and or make an arrest in this matter. The damaged items are valued at around \$ 20,000 not including the items in the house.

I would also so like copies of the log notes and pictures of the items you took.

The reason I'm asking you, is the records department, Trooper Shanigan and Guymon are not responding to my past requests for Trooper reports.
Ms Holt and here son are directly involved in the false charges against me.

8/31/2009

I would hope that you would take the time to do the right time. Thank You!

Regards, Keith

Keith Moyer

Cell Phone: (907) 398-3767

Mailing Address: P.O. Box 1390 Sterling, Alaska 99672

8/31/2009

PRA_GSP01_0024091

Unknown

From: Internet Mail Delivery [postmaster@jnumail1.state.ak.us]

Sent: Wednesday, September 17, 2008 3:53 PM

To: sp@hslak.com

Subject: Delivery Notification: Delivery has failed

8/31/2009

PRA_GSP01_0024092

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Wednesday, September 17, 2008 8:36 AM
To: Mason; Janice L (GOV)
Subject: FW: Congrats!

From: Holly Webb [mailto:hwebb@qwestoffice.net]
Sent: Monday, September 15, 2008 8:02 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: Congrats!

Hello Sarah,

I'm not sure if you will remember me right off the top of your head, but we lived in Wasilla when you were Mayor and our children, Track and Marshall, Bristol and Mindy, went to school (Iditarod Elem) together and played sports together also, until Track and Bristol went to Teeland. We moved back to Utah in 2003 after my husband's job in the interior ended, and we wanted to get back to family here before they were no longer, my husband lost his father in June 2007 so it was a difficult, but wise decision.

Belated congratulations on your nomination for the Vice Presidency! Pretty exciting, I'm sure, and maybe a little daunting all at the same time (of course that's mostly where the media is concerned!). I know you will do an awesome job if you stick to your core beliefs and don't let the social and political pressures drag you down. You've done well by Alaska so far it seems.

I heard from Austin Bulawa months ago that Track had gone into the service. Good for him! Marshall is also in the army, he is serving in Iraq right now, left in June 2008 for 15 months. I don't know about you, but it sure is scary sometimes, but I'm so proud of Marshall anyway that he chose to serve God and his country because he believes in them. I'm sure you miss Track like I miss Marshall. I look forward to his leaves. He is now married, too, to a local Alaska girl he met in middle school while we were there. She has decided to come to school down here by us (at the same college Juanita Fuller attended) until Marshall returns to his base in Texas, I think that helps us both deal with his temporary absence for service. You are the only mom I've personally been acquainted with right now whose child is also serving in the military, I hope you don't mind my feeling like we could relate again on some small level. How is Track doing?

And, too, my seventeen yr old daughter, Mindy, finds herself in the same predicament as Bristol. So again, I hope you don't mind if I feel I can identify with you in some small way. I know you and Todd have done the best job you two could with your children and encouraged them to make good sound judgments for their futures. We have, too, but it is in their hands now and we are left to support their decisions and continue to give them what guidance we can.

Also, congratulations on the birth of Trig. He is a beautiful little baby, and yes a gift from God. He is sent as a perfect being to receive a body and to remind the rest of our hearts of our Creator and how He watches over us and to see how we will treat those special ones He sends down. You my friend have passed the test with flying colors and Trig will bring your family much joy! You are an elect and

8/31/2009

PRA_GSP01_0024093

blessed lady, Sarah, and I am honored to have associated with you and your family.

My husband, Mike, and I, as well as the rest of our family are behind you all the way. Lead on...

Holly Webb

Legal Assistant

Reed R. Braithwaite, P.C.

50 East 100 South, Suite 101

St. George, UT 84770

Phone: (435) 628-2094

Fax: (435) 656-4669

8/31/2009

PRA_GSP01_0024094

Unknown

From: McBride, Rhonda (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=RMFAUBION]
Sent: Wednesday, September 17, 2008 9:47 PM
To: sp@hslak.com
Cc: Perry; Kristina Y (GOV); Nizich; Michael A (GOV)
Subject: A Difficult Decision

Dear Sarah,

I've come to a difficult decision: to return to journalism. It's not at all logical – but rather, a decision that comes from the gut. Being a reporter is too deeply drilled into my DNA.

I can't thank you enough for the opportunity, as well as the trust and faith you have placed in me. I have also enjoyed knowing and working with Todd. His passion, like mine, is for Rural Alaska. So I hope both of you will understand why I feel I can do more for Rural Alaska as a reporter.

It has been a privilege to serve in your administration. Thank you for the opportunity to travel and explore the issues – to come to know the fine people who are called to public service. They are so unappreciated.

This may seem like an awkward time to make a change. But upon reflection, I hope you'll see this as an opportunity to give the Alaska Native community something it dearly wants: an Alaska Native liaison.

Your leadership inspired me to try this job. But deep inside, I haven't been able to overcome the feeling that you would be better served by an Alaska Native. If you wish, I can recommend some talented candidates.

Privileged or Personal Material Redacted

8/31/2009

PRA_GSP01_0024095

Privileged or Personal Material Redacted

There is so much more I'd like to say to you, but you are on a journey where every moment is precious. And I have taken up far too much of your time.

Please know this: I will do everything in my power to turn this transition into a win-win.

I talked with Mike Nizich today about the departure date. I would like to stay on through the end of AFN. So this will give you some time to weigh your next step.
(AFN is Oct. 23rd-25th).

Whatever your destiny may be, whether it is to serve our great state or nation, or both, I will always wish you well and feel grateful for the chance you gave me to learn and grow.

May we each continue to grow -- and serve in the way that God would want us to. His plan is hard to see, but I feel a strong pull to go back to my roots.

With affection and respect...

Rhonda

Rhonda McBride
Rural Affairs Advisor
Office of the Governor
Atwood Building, Suite 1700
550 West 7th Avenue
Anchorage, Alaska 99501
Tel: (907) 269-7451
E-Mail: Rhonda.McBride@alaska.gov

8/31/2009

PRA_GSP01_0024096

Unknown

From: Nizich, Michael A (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MANIZICH]
Sent: Wednesday, September 17, 2008 4:13 PM
To: sp@hslak.com
Subject: FW: Call from Congressman Young's Office / Fort Yukon fuel issue?

Governor, please ignore this I will take care of it. Sorry this was sent to you.

Mike

From: Ruaro, Randall P (GOV)
Sent: Wednesday, September 17, 2008 1:53 PM
To: sp@hslak.com
Cc: Nizich, Michael A (GOV); Smith, Lynne M (GOV)
Subject: Call from Congressman Young's Office / Fort Yukon fuel issue?

Governor:

A woman who did not leave her name called the Anchorage office and spoke with Tara. She said she was with Congressman Young's office and that there was an emergency in Fort Yukon because they had run out of fuel. I am not aware of any requests for assistance from Fort Yukon and I have been trying to follow up with Congressman Young's office in Anchorage. The lines are busy right now. I will keep trying. I will update you as soon as I can figure out what is going on.

Randy

Lynne:

Similarly to Adak, can you check and see when Fort Yukon is due to get its municipal revenue sharing payment and whether they have any bulk fuel loans pending at AEA or bridge fuel loans pending at DCRA?

Thanks,

Randy

8/27/2009

PRA_GSP01_0024097

Unknown

From: Nizich, Michael A (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MANIZICH]

Sent: Wednesday, September 17, 2008 3:53 PM

To: 'sp@hslak.com'

Subject: Exxon Mobile

Governor,
Rex Tillerson CEO of Exxon Mobile would like a meeting with you and would like to see if there is an opportunity for you two to meet while you are in Dallas on Oct. 3? If you have an opportunity to call during your busy day I would like to get Joe Balash on the phone to discuss and fill in the blanks for you.

Mike

8/28/2009

PRA_GSP01_0024098

Unknown

From: Lloyd, Denby S (DFG) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DSLLOYD]
Sent: Thursday, September 18, 2008 1:43 PM
To: Palin; Sarah (GOV sponsored)
Cc: Nizich; Michael A (GOV); Crome; Cora J (GOV); Leighow; Sharon W (GOV)
Subject: Kind Acknowledgment in an Otherwise Boring Fishery Science Article

Governor:

In the Los Angeles Times science section is an article on fishing quotas. The story itself is somewhat old news, but the conclusion to the article is amusing (see link and excerpt below regarding your apparent work experience at the Alyeska Seafood processing plant in Dutch Harbor a few years ago).

<http://www.latimes.com/news/science/la-na-fish19-2008sep19.0.5053095.story>

Alaska Gov. Sarah Palin, now the Republican Party's vice presidential nominee, worked in Alyeska's plant for three weeks in 1987 at the end of her collegiate years.

"I'm honored to confirm that the governor once worked at this plant," Wilt said. "She was only here three weeks. She knows hard work and she's eligible for rehire if her current prospects don't work out."

Take care, DL.

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
907-465-4719

8/26/2009

PRA_GSP01_0024099

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Thursday, September 18, 2008 3:01 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: RE: BBQ at my house manana with the Strange Boys playing!

Donna - did you mean to give this to me?????

From: Governor Sarah Palin (GOV sponsored)
Sent: Tuesday, September 16, 2008 7:26 AM
To: Mason, Janice L (GOV)
Subject: FW: BBQ at my house manana with the Strange Boys playing!

From: alexisrivera@gmail.com [mailto:alexisrivera@gmail.com] **On Behalf Of** Alexis Rivera
Sent: Thursday, September 11, 2008 7:23 PM
To: Palin, Sarah H (GOV)
Subject: BBQ at my house manana with the Strange Boys playing!

BBQ at my mansion manana from 6-10PM to celebrate Preston surpassing 10,000 friends on MySpace. The Strange Boys (<http://www.myspace.com/thestrangeboys>) are playing (at 7:30 sharp!), so tip the kids, and bring beef, tequila, and condoms.

834 Laguna Ave, LA, CA 90026

--
Alexis Rivera
213.482.2313 office
lxr@echoparkrecords.com

8/25/2009

PRA_GSP01_0024100

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Thursday, September 18, 2008 1:59 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: RE: baby gift from Maya Wrap

Thank you for your email. The address to use: P.O. Box 110001, Juneau, AK 99811

Janice Mason, Scheduler/Executive Assistant
Office of Governor Sarah Palin

-----Original Message-----

From: Governor Sarah Palin (GOV sponsored)
Sent: Thursday, September 18, 2008 1:50 PM
To: Mason, Janice L (GOV)
Subject: FW: baby gift from Maya Wrap

-----Original Message-----

From: Alexis Snow [mailto:alexis.snow@mayawrap.com]
Sent: Thursday, September 18, 2008 8:02 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: baby gift from Maya Wrap

Please advise to what address our company can send a baby gift for Trig and the Palin family. Our baby carrier is very helpful in the development of Down Syndrome babies and will be very useful to them as they travel with baby Trig.

Kindly,

Alexis Snow

Alexis Snow

Maya Wrap, Inc.

(p) 336-473-1943

alexis.snow@mayawrap.com <mailto:alexis.snow@mayawrap.com>

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Thursday, September 18, 2008 1:59 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: RE: baby gift from Maya Wrap

Thank you for your email. The address to use: P.O. Box 110001, Juneau, AK 99811

Janice Mason, Scheduler/Executive Assistant
Office of Governor Sarah Palin

-----Original Message-----

From: Governor Sarah Palin (GOV sponsored)
Sent: Thursday, September 18, 2008 1:50 PM
To: Mason, Janice L (GOV)
Subject: FW: baby gift from Maya Wrap

-----Original Message-----

From: Alexis Snow [mailto:alexis.snow@mayawrap.com]
Sent: Thursday, September 18, 2008 8:02 AM
To: Governor Sarah Palin (GOV sponsored)
Subject: baby gift from Maya Wrap

Please advise to what address our company can send a baby gift for Trig and the Palin family. Our baby carrier is very helpful in the development of Down Syndrome babies and will be very useful to them as they travel with baby Trig.

Kindly,

Alexis Snow

Alexis Snow

Maya Wrap, Inc.

(p) 336-473-1943

alexis.snow@mayawrap.com <mailto:alexis.snow@mayawrap.com>

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Thursday, September 18, 2008 3:01 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: RE: BBQ at my house manana with the Strange Boys playing!

Donna - did you mean to give this to me?????

From: Governor Sarah Palin (GOV sponsored)
Sent: Tuesday, September 16, 2008 7:26 AM
To: Mason, Janice L (GOV)
Subject: FW: BBQ at my house manana with the Strange Boys playing!

From: alexsrivera@gmail.com [mailto:alexisrivera@gmail.com] **On Behalf Of** Alexis Rivera
Sent: Thursday, September 11, 2008 7:23 PM
To: Palin, Sarah H (GOV)
Subject: BBQ at my house manana with the Strange Boys playing!

BBQ at my mansion manana from 6-10PM to celebrate Preston surpassing 10,000 friends on MySpace. The Strange Boys (<http://www.myspace.com/thestrangemoys>) are playing (at 7:30 sharp!), so tip the kids, and bring beef, tequila, and condoms.

834 Laguna Ave, LA, CA 90026

--
Alexis Rivera
213.482.2313 office
lxr@echoparkrecords.com

8/26/2009

Unknown

From: Morgan, Katryn L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=KLMORGAN]
Sent: Friday, September 19, 2008 2:19 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: RE: from Dr. Laurie Roth www.therothshow.com

Thanks, Donna©

From: Governor Sarah Palin (GOV sponsored)
Sent: Friday, September 19, 2008 1:45 PM
To: Morgan, Katryn L (GOV)
Subject: FW: from Dr. Laurie Roth www.therothshow.com

Hi Kate,
This is Donna Collins, I am the person that reads the Governor's email. I am forwarding this email request to you, I am not sure if this is campaign related.
Donna Collins

From: DrLjroth@aol.com [mailto:DrLjroth@aol.com]
Sent: Friday, September 19, 2008 12:47 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: from Dr. Laurie Roth www.therothshow.com

Attn: Governor Sarah Palin
From: Dr. Laurie Roth
national radio talk show host with IRN-USA Radio
www.therothshow.com

Greetings Governor,

I host a fast growing, national radio talk show syndicated with IRN-USA Radio Network which airs each night from 7-10 pm pacific time. I live in Spokane Washington. I can only imagine the many requests for interviews you must get and the extreme importance for close to the chest media priorities.

I would love to invite you on my show to interview you. I could record it, how ever long you wanted for airing on my evening show. I am quite a fan and am a Mom in her 40s who loves sports, guns and my husband also. I am building back my show the last 3 years from a near fatal motorcycle accident when a Deer jumped on me. That took me off air for 10 months. It made national news and was a miracle I didn't die at the scene. I am thankful to God to be alive and building my life back. In fact, a national magazine, Newsmax, has a full page feature on my comeback for their November issue. You and Senator McCain haven't quit when hard and painful things hit you up side the head, neither have I.

Thank you SO very much for your courage, wonderful service to Alaska and hopefully our country. If you would like to do an interview that of course you could approve before released please contact me directly at my home: 509-292-7735. You can find out more about me on my show web site: www.therothshow.com.

Finally, I write every week for www.canadafreepress.com and www.newswithviews.com. I will forward you a few of my recent articles, including the link for the one posted just today.

8/25/2009

<http://newswithviews.com/Roth/laurie132.htm>
<http://canadafreepress.com/index.php/article/4824>

My prayers and support belong to you and Senator McCain.

Warmly, Laurie Roth
host, owner www.therothshow.com

Looking for simple solutions to your real-life financial challenges? [Check out WalletPop for the latest news and information, tips and calculators.](#)

8/25/2009

PRA_GSP01_0024107

Unknown

From: Morgan, Katryn L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=KLMORGAN]
Sent: Monday, September 22, 2008 4:54 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: RE: Legal_and_lawsuits

Dear Mr. Shepherd,

I believe you or someone from your organization has already spoken with Andy Mills in the Governor's Juneau Office. After consulting with him, I found that he had already replied in the negative to your organization, as the permission form contained clauses that we cannot comply with.

Also, any request that is any way campaign or partisan-related must be directed to the appropriate campaign, per Alaska State Ethics Law.

Thank you,

Kate Morgan
Communications Director
Office of Governor Sarah Palin
(907) 269-7450

-----Original Message-----

From: Governor Sarah Palin (GOV sponsored)
Sent: Monday, September 22, 2008 11:46 AM
To: Morgan, Katryn L (GOV)
Subject: FW: Legal_and_lawsuits

-----Original Message-----

From: WebMail@govweb.alaska.gov [mailto:WebMail@govweb.alaska.gov]
Sent: Saturday, September 20, 2008 5:51 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Legal_and_lawsuits

Web mail from: Mr. Stephen Shepherd

address: 111 Foxfield Ct. Lima OH 45804

4192044319

MESSAGE:

I'm contacting you as an editor of the English Wikipedia and do not represent the Wikimedia Foundation or any of its members. Our current article on Mrs. Palin (http://en.wikipedia.org/wiki/Sarah_Palin) is in need of a free-use image of high quality and integrity. We have an abundance of images of Mrs. Palin, but believe that an image from the State of Alaska would be of better quality than any image one of our editors could provide. Due to our non-free content policy we are forced to use freely licensed images when they are available over copyrighted ones. Would it be possible for the State of Alaska to provide a freely licensed image of Mrs. Palin for use in our article?

Yours faithfully,

Stephen Shepherd

stephenshep@woh.rr.com

Unknown

From: Nizich, Michael A (GOV) [mike.nizich@alaska.gov]
Sent: Tuesday, September 23, 2008 4:25 PM
To: Perry; Kristina Y (GOV); Palin; Sarah (GOV sponsored)
Subject: FW: Ninth Circuit Chistochina decision -- CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
Attachments: FSB.pdf

From: Colberg, Talis J (LAW)
Sent: Tuesday, September 23, 2008 3:20 PM
To: sp@hslak.com
Cc: Nizich, Michael A (GOV)
Subject: FW: Ninth Circuit Chistochina decision -- CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Dear Governor Palin,

I know you are busy. Attached is a summary and copy of a major 9th Circuit Court subsistence decision, which we lost. I will keep Mr. Nizich apprised of any recommendations for appeal. Talis

From: Barry, Elizabeth J (LAW)
Sent: Tuesday, September 23, 2008 3:10 PM
To: Colberg, Talis J (LAW); Tillery, Craig J (LAW); Gordon, Nancy R (LAW)
Cc: Sewright, Michael W (LAW)
Subject: FW: Ninth Circuit Chistochina decision -- CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

FYI. Privileged or Personal Material Redacted

Elizabeth J. Barry
Chief Assistant Attorney General
Natural Resources Section
Elizabeth.Barry@alaska.gov

From: Sewright, Michael W (LAW)
Sent: Tuesday, September 23, 2008 1:44 PM
To: Lloyd, Denby S (DFG); Cuning, Tina (DFG)
Cc: Barry, Elizabeth J (LAW); Daugherty, Steven A (LAW); Grace, Joanne M (LAW)
Subject: FW: Ninth Circuit Chistochina decision -- CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

I attach the Ninth Circuit Court's Opinion issued this morning in *State of Alaska v. Federal Subsistence Board* (the "Chistochina case"), Ninth Circuit Case No. 07-35723. Privileged or Personal Material Redacted

8/26/2009

Privileged or Personal Material Redacted

Michael W. Sewright
Assistant Attorney General
Natural Resources Section
1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501
(907) 269-5108
mike.sewright@alaska.gov

From: Grace, Joanne M (LAW)
Sent: Tuesday, September 23, 2008 10:16 AM
To: Sewright, Michael W (LAW)
Subject: decision

Joanne

8/26/2009

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF ALASKA,
Plaintiff-Appellant,

v.

FEDERAL SUBSISTENCE BOARD;
MICHAEL FLEAGLE, Chairman,
Federal Subsistence Board; DIRK
KEMPTHORNE, Secretary of the
Interior; ED SCHAFER, Secretary of
the Department of Agriculture,
Defendants-Appellees,

CHEESH-NA TRIBAL COUNCIL; LARRY
SINYON,
Defendant-Intervenors-Appellees.

No. 07-35723

D.C. No.
CV 06-0107 HRH
OPINION

Appeal from the United States District Court
for the District of Alaska
H. Russel Holland, District Judge, Presiding

Argued and Submitted
August 5, 2008—Anchorage, Alaska

Filed September 23, 2008

Before: Dorothy W. Nelson, A. Wallace Tashima, and
Raymond C. Fisher, Circuit Judges.

Opinion by Judge Tashima

COUNSEL

Michael W. Seawright, Assistant Attorney General, Anchorage, Alaska, for the plaintiff-appellant.

Ellen J. Durkee, U.S. Department of Justice, Environment & Natural Resources Division, Washington, D.C., for the defendants-appellees.

Heather Kendall, Native American Rights Fund, Anchorage, Alaska, for the defendants-intervenors-appellees.

Douglas S. Burdin, Washington, D.C., for *amici curiae* Safari Club International, and Safari Club International Foundation.

James H. Lister, Birch, Horton, Bittner & Cherot, Washington, D.C., for *amicus curiae* Kenai Sportfish Association.

OPINION

TASHIMA, Circuit Judge:

Defendant-Appellee Federal Subsistence Board ("FSB" or "Board") administers the federal subsistence program at the heart of Title VIII of the Alaska National Interest Lands Conservation Act ("ANILCA"), 16 U.S.C. §§ 3111-26. In 2005, the FSB granted residents of Chistochina, a rural community in Southeast Alaska, a Customary and Traditional use determination ("C & T determination") for moose throughout Game Management Unit ("GMU") 12. The C & T determination permits Chistochina residents to harvest moose in GMU 12 under federal subsistence hunting regulations, which are more permissive than state hunting regulations.

Plaintiff-Appellant the State of Alaska ("Alaska") challenged the C & T determination in district court, contending that the FSB granted the determination in violation of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A). The district court granted summary judgment in favor of Defendants-Appellees FSB, the Chairman of the FSB, the Secretary of the Interior, the Secretary of the Department of Agriculture (together, "Federal Defendants"), and Defendant-Intervenors Cheesh-na Tribal Council, Chistochina's governing body, and Larry Sinyon, a Chistochina subsistence hunter ("Intervenors"). After a careful review of

the record, we find no reason to set aside the FSB's C & T determination. Because we may not substitute our own judgment for that of the FSB, see *Arrington v. Daniels*, 516 F.3d 1106, 1112 (9th Cir. 2008) (citing *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971), overruled on other grounds by *Califano v. Sanders*, 430 U.S. 99, 105 (1977)), we affirm.

I. ANILCA

Congress enacted ANILCA to further two ends. The first is:

to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation . . . ; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities . . . ; and to maintain opportunities for scientific research and undisturbed ecosystems.

16 U.S.C. § 3101(b). The second, in order though not in priority, is "to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." *Id.* § 3101(c).

In Title VIII of ANILCA, Congress sought to protect the subsistence way of life in the face of Alaska's growing population and the resultant pressure on fish and wildlife populations, and created a subsistence management and use program. *Id.* § 3111(3). The program grants a priority to subsistence use of resources, providing: "the taking on public lands of fish and wildlife for nonwasteful subsistence uses

shall be accorded priority over the taking on such lands of fish and wildlife for other purposes." *Id.* § 3114. Congress authorized the Secretary of the Interior and the Secretary of Agriculture (together, the "Secretaries") to promulgate regulations in furtherance of ANILCA's directives.¹ *Id.* § 3124.

The regulations establish a Federal Subsistence Management Program for all federal lands in Alaska. 50 C.F.R. § 100.1. The Secretaries created and charged the FSB with the "responsibility for administering the subsistence taking and uses of fish and wildlife on public lands." *Id.* § 100.10(a). In the course of its administration, the FSB "[d]etermine[s]" which rural Alaska areas or communities have customary and traditional subsistence uses of specific fish and wildlife populations." *Id.* § 100.10(d)(4)(iii). To assist in these C & T determinations, the FSB establishes Regional Advisory Councils ("RACs"), which oversee subsistence resource regions and receive input from rural communities regarding subsistence uses in their regions. *Id.* § 100.11(a). The RACs may evaluate C & T determination proposals, *Id.* § 100.11(c)(xi), and recommend to the FSB that it grant or deny a particular C & T determination, *Id.* § 100.11(c)(viii). *See also* 16 U.S.C. § 3115(a).

The FSB codifies C & T determinations at 50 C.F.R. § 100.24. Those communities with C & T determinations for particular fish stock or wildlife populations may take² them within the GMU,³ or portion of a GMU, for which they have

¹The Secretaries promulgated identical regulations, codified at 50 C.F.R., pt. 100, and 36 C.F.R., pt. 242. For the sake of simplicity, we cite to the regulations promulgated by the Secretary of the Interior at 50 C.F.R., pt. 100 throughout.

²"Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct." 50 C.F.R. § 100.4.

³The regulations divide Alaska into twenty-six GMUs. 50 C.F.R. § 100.4. The GMUs are codified in the State of Alaska hunting and trap-

a C & T determination pursuant to the federal subsistence hunting regulations found at 50 C.F.R. §§ 100.25-.28.

II. Facts and Procedural History

Chistochina is a rural community located in GMU 13C, a subunit of GMU 13, that borders GMUs 11 and 12. According to the 2000 Census, the community boasts ninety-three residents in thirty-seven households. GMU 12, the primary GMU at issue in this case, covers approximately 10,000 square miles.⁴ Federal public lands, including the Tetlin National Wildlife Refuge and the Wrangell — St. Elias National Park and Preserve, comprise fifty-nine percent of GMU 12. State lands occupy approximately forty percent of the land. Less than one percent of the land is privately owned.

In 2004, the Cheesh-na Tribal Council, Chistochina's governing body, submitted a C & T determination proposal to the FSB. At the time of the proposal, there existed C & T determinations for moose within three areas of GMU 12:

(A) south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.

ping regulations. *Id.*; Alaska Admin. Code tit. 5, § 92.450. Alaska implemented ANILCA through state law until the Supreme Court of Alaska held that providing a subsistence priority for rural Alaskans, to the exclusion of other Alaskans, violated the Alaska Constitution. *See McDowell v. State*, 785 P.2d 1, 9 (Alaska 1989). The Secretaries then assumed responsibility for the implementation and administration of ANILCA, and incorporated the GMU scheme into the federal regulations. *See* 50 C.F.R. § 100.4.

⁴"Game Management Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage[.]" Alaska Admin. Code tit. 5, § 92.450(12).

(B) east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.

(C) remainder.⁵

50 C.F.R. § 100.24(a)(1) (2004). Chistochina was included in the C & T determination for moose within area A but not areas B and C. *Id.* In the 2004 proposal, the Cheesh-na Tribal Council asked the FSB to grant Chistochina a C & T determination for moose within areas B and C on the ground that Chistochina residents "customarily and traditionally hunted moose throughout Unit 12." In support of this claim, the Council represented that Chistochina residents had taken moose in "[a]ll areas east of the Nabesna river and south of the River Trail. This includes, but is not limited to rivers, lakes, and creeks in the Chisana area . . . and in the White River area."

The Office of Subsistence Management ("OSM") prepared an analysis of the proposal, which it forwarded to the South-central RAC and the Eastern Interior RAC.⁶ After reviewing the proposal and hearing testimony, both RACs recommended granting a C & T determination for moose to Chistochina members throughout GMU 12. The FSB, during a public hearing, considered the proposal along with the OSM analysis, the recommendations of the RACs, and a positive recommendation from the Interagency Staff Committee of the OSM ("Staff Committee"). A representative from the Alaska Department of Fish and Game was the only party to express

⁵These three sections of GMU 12 are not formal subunits as are, for example, GMU 13 A-D. During the C & T determination process the FSB referred to the three areas as areas A-C. For the sake of simplicity, we follow suit.

⁶Both RACs reviewed the proposal because Chistochina is within the purview of the Southcentral RAC, but GMU 12 is within the purview of the Eastern Interior RAC.

any reservations. He asked the FSB to limit the C & T determination, averring that the Chistochina residents had only shown use of moose in *portions* of areas B and C and not *throughout* areas B and C. The FSB approved the proposal as submitted, granting Chistochina residents a C & T determination for moose in areas B and C of GMU 12.

Alaska requested reconsideration pursuant to 50 C.F.R. § 100.20(b), contending that historical and cultural data showed that Chistochina members harvested moose only in 2,500 square miles of GMU 12. Alaska proposed granting Chistochina a C & T determination for moose in the following area: "that portion [of GMU 12] that includes the drainage of the Nabesna River upstream from the mouth of Lick Creek, and the area south of and including the Pickerel Lake Winter Trail from Lick Creek to the Chisana River." The proposed area occupies area A, the eastern third of area B, and a small portion of area C bordering the Nabesna Road, Nabesna River, and Pickerel Lake.

The FSB denied the request for reconsideration, and Alaska filed the instant action, contending that in granting the C & T determination, the FSB violated the APA.⁷ The Cheesh-na Tribal Council and Sinyon intervened shortly thereafter. On cross-motions for summary judgment, the district court granted summary judgment in favor of all Defendants. Alaska timely appeals.

III. Jurisdiction and Standard of Review

We have jurisdiction pursuant to 28 U.S.C. § 1291. We

⁷Alaska initially contended that the C & T determination violated ANILCA as well. The district court, however, held that Alaska lacked prudential standing to bring the claim because ANILCA only permits parties "aggrieved by a failure . . . to provide for the priority for subsistence uses" to bring suit. 16 U.S.C. § 3117(a). Alaska does not pursue its ANILCA claim on appeal.

review de novo the district court's determination on summary judgment that the FSB complied with ANILCA and its implementing regulations. *See Or. Natural Desert Ass'n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1130 (9th Cir. 2008). We must "hold unlawful and set aside" any agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2).

"[W]e may not defer to an agency decision that 'is without substantial basis in fact.'" *Sierra Club v. EPA*, 346 F.3d 955, 961 (9th Cir.), *amended by* 352 F.3d 1186 (9th Cir. 2003) (quoting *Fed. Power Comm'n v. Fla. Power & Light Co.*, 404 U.S. 453, 463 (1972)). Thus, our "inquiry into the facts is to be searching and careful." *Citizens to Preserve Overton Park*, 401 U.S. at 416. Our ultimate posture, however, is deferential; we will uphold an agency's action if the agency "articulate[d] a rational connection between the facts found and the choice made.'" *Sierra Club*, 346 F.3d at 961 (quoting *Ariz. Cattle Growers' Ass'n v. U.S. Fish & Wildlife*, 273 F.3d 1229, 1236 (9th Cir. 2001)).

We will find an agency action arbitrary and capricious if:

"the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise."

Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., 2008 WL 3822966, at *14 (9th Cir. Aug. 18, 2008) (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). While we may not fabricate a rational basis for an agency's action, we will "uphold a decision of less than ideal clarity if the agency's path may reasonably be discerned.'" *Motor Vehicle Mfrs. Ass'n*, 463

U.S. at 43 (quoting *Bowman Transp., Inc. v. Arkansas-Best Freight Sys., Inc.*, 419 U.S. 281, 286 (1974)).

IV. Discussion

A. The FSB's fact-finding with respect to Chistochina's subsistence use of moose in GMU 12 was supported by substantial evidence.

[1] While Alaska argues vociferously that the FSB's fact finding was not supported by substantial evidence, the disagreements between the parties are ultimately legal, and not factual, in nature. Alaska concedes that the record supports a finding that Chistochina residents took moose for subsistence use in "that portion of [GMU 12] that includes the drainage of the Nabesna River upstream from the mouth of Lick Creek, and the area south of and including the Pickerel Lake Winter Trail from Lick Creek to the Chisana River." This area includes all of area A, more than a third of area B, and a small portion of area C and covers approximately 2,500 square miles of GMU 12.⁸

[2] When making the relevant C & T determination, the FSB did not find that Chistochina residents took moose throughout all 10,000 square miles of GMU 12. Rather, it found that Chistochina residents took moose in each of the three areas within GMU 12.⁹ Finding no factual dispute

⁸Indeed, the record contains sufficient evidence that Chistochina residents have historically and traditionally taken moose in this area. Chistochina residents descended from members of a native Alaskan group that hunted near Chisana in area B and Nabesna in area C. Moose harvest data support moose taking by Chistochina residents near Pickerel Lake and east of the Nabesna River in area C between 1964 and 1984.

⁹The Cheesh-na Tribal Council and Sinyon contend that there is substantial evidence to support a finding that Chistochina residents took moose throughout all 10,000 square miles of GMU 12. The record does not support such a finding, but, more importantly, the FSB did not so find. We may not uphold an agency decision based on facts on which the

between the parties, we hold that the FSB's fact finding was supported by substantial evidence.

B. The FSB properly considered specific moose populations.

Alaska further contends that the FSB's C & T determination was arbitrary and capricious because the FSB failed to consider a relevant factor, namely specific moose populations within GMU 12. The Federal Defendants contend that the FSB needed only to consider Chistochina residents' subsistence use of the moose species because "population" is synonymous with "species."

[3] Federal Defendants contend that their interpretation of "population" is due deference under *Chevron U.S.A. Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 843 (1984).¹⁰ An official, legally binding interpretation is entitled to *Chevron* deference. *Miranda Alvarado v. Gonzales*, 449 F.3d 915, 922 (9th Cir. 2006) ("[T]he precedential value of an agency action [is] the essential factor in determining whether *Chevron* deference is appropriate."). We afford *Skidmore*¹¹ deference to official agency interpretations without the force of law. *Tablada v. Thomas*, 533 F.3d 800, 806 (9th Cir. 2008) (citing *United States v. Mead Corp.*, 533 U.S. 218, 228, 234 (2001)) (affording *Skidmore* deference to a Bureau of Prisons Program Statement, which formalized the agency's official interpretation of a statute).

[4] Federal Defendants have not interpreted "population" as

agency did not rely. *Arrington*, 516 F.3d at 1113 ("Post hoc explanations of agency action by appellate counsel cannot substitute for the agency's own articulation of the basis for its decision.") (citing *Fed. Power Comm'n v. Texaco, Inc.*, 417 U.S. 380, 397 (1974)).

¹⁰Intervenors agree.

¹¹*Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944).

synonymous with "species" in any legally-binding regulation or in any official agency interpretation of the regulation. Rather, this interpretation appears to be purely a litigation position, developed during the course of the present case. As such, we owe the interpretation no deference. *United States v. Trident Seafoods Corp.*, 60 F.3d 556, 559 (9th Cir. 1995) ("No deference is owed when an agency has not formulated an official interpretation of its regulation, but is merely advancing a litigation position."). We do not afford *Chevron* or *Skidmore* deference to litigation positions unmoored from any official agency interpretation because "Congress has delegated to the administrative official and not to appellate counsel the responsibility for elaborating and enforcing statutory commands." *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 212 (1988) (quoting *Inv. Co. Inst. v. Camp*, 401 U.S. 617, 628 (1971)).

[5] When making a C & T determination, the FSB must "determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence." 50 C.F.R. § 100.16(a). Additionally, the regulations provide that the C & T determination "shall identify the specific community's or area's use of specific fish stocks and wildlife populations." *Id.*

[6] "Population" and "species," as used in 50 C.F.R. § 100.16(a), are not synonymous. The regulations define "fish and wildlife," as opposed to "fish stocks and wildlife populations," broadly as "any member of the animal kingdom." *Id.* § 100.4. The regulations also frequently refer to fish and wildlife without the limiting nouns "stock" and "population." See, e.g., *Id.* § 100.7(a) ("You may not use fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part."). In one definition, the regulations even use the two terms in conjunction: "Conservation of healthy populations of fish and wildlife means the maintenance of fish and wildlife resources . . . in a condition that . . . minimizes

the likelihood of irreversible or long-term adverse effects upon such populations and species." *Id.* § 100.4.

[7] The addition of the terms "stock" and "population" in 50 C.F.R. § 100.16(a) denotes a group smaller than a species. Specifically, the regulation directs the FSB to identify a community's use of "*specific* fish stocks and wildlife populations." *Id.* (emphasis added). In order for the FSB to have considered the relevant factors when making the C & T determination, the FSB must have considered Chistochina's subsistence use of specific moose populations, and not Chistochina's use of moose in general.

[8] Although we disagree with Federal Defendants' interpretation of "population," we conclude that, in this case, the FSB properly considered specific moose populations by considering Chistochina's historical and traditional taking of moose for subsistence use within GMU 12, areas B and C. Under 50 C.F.R. § 100.16(a), C & T determinations should "identify the specific community's or area's use of specific fish stocks and wildlife populations." The C & T determinations for moose in GMU 12 identified three specific moose populations, those in the three areas within GMU 12:

(A) south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.

(B) east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.

(C) remainder.

Id. § 100.24(a)(1) (2004). Thus, for all C & T determinations for moose within GMU 12 prior to 2004, the FSB considered the moose populations within these three specific areas.¹²

¹²The boundaries for the C & T determinations for moose within GMU 12 were revised in 2007. 50 C.F.R. § 100.24(a)(1) (2007). We express no opinion on the reason for or effect of the revision.

Because the FSB considered whether Chistochina took moose for subsistence use in each of these three areas when making the instant C & T determination, the FSB properly considered specific moose populations as directed by *Id.* § 100.16(a).

C. The FSB's decision to add Chistochina to the already-delineated C & T determination areas for moose within GMU 12 was not arbitrary and capricious.

Alaska further contends that the FSB's decision to grant Chistochina residents a C & T determination for moose throughout GMU 12 was arbitrary and capricious because the facts only support historical moose harvesting in 2,500 square miles of GMU 12.¹³ Rather than simply adding Chistochina residents to areas B and C in the already-existing C & T determinations for moose in GMU 12, Alaska argues that the FSB should have delineated a new area, one that corresponds more closely to the approximately 2,500 square miles in which Chistochina residents have traditionally taken moose.

Federal Defendants first contend that the FSB properly extended Chistochina's C & T determination for moose to the whole of GMU 12 because the Board, in its discretion, may grant a C & T determination for a species in *any* area as long as the community requesting the determination can demonstrate subsistence use of that species anywhere. In other words, Federal Defendants contend that neither ANILCA nor its implementing regulations require the FSB to limit C & T

¹³Alaska mischaracterizes the C & T determination as covering the entire 10,000 square miles of GMU 12. The regulations provide that the C & T determinations only apply to federal lands. 50 C.F.R. § 100.24(a) ("[R]ural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas."). Thus, the relevant C & T determination includes only the approximately 5,900 square miles of federal lands within GMU 12.

determinations to the area in which a community has demonstrated subsistence use.¹⁴

[9] We find no merit to this argument. The regulations clearly tie C & T determinations to the specific locations in which wildlife populations have been taken. Federal Defendants contend that the definitions of "subsistence use" in ANILCA and "customary and traditional use" in the regulations do not tie such uses to geography. ANILCA provides:

[T]he term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

16 U.S.C. § 3113. The regulations further define "customary and traditional use" as "a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community." 50 C.F.R. § 100.4.

[10] While these definitions do not directly tie subsistence or C & T use to a particular location, each C & T *determination* must be tied to a specific community or area and a specific wildlife population. The regulations provide: "[C & T] determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations." *Id.*

¹⁴Federal Defendants first adopted this argument in the course of the instant action; it is not supported by any official agency interpretation. Accordingly, we decline to defer to this interpretation of ANILCA and its implementing regulations. See Part IV.B, *supra*.

§ 100.16(a). Specific communities and areas and specific fish stocks and wildlife populations are, by definition, limited to specific geographic areas. The regulation that lists the C & T determinations further provides: "The [FSB] has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land *in the specified areas.*" *Id.* § 100.24(a) (emphasis added). A C & T determination is not a determination that a community or area has used a species for subsistence purposes. Rather, a C & T determination is a determination that a community or area has taken a species for subsistence use *within a specific area.*

[11] Additionally, the eight-factor analysis that the FSB is directed to apply when considering a community's use of a specific wildlife population requires the FSB to consider the geographic reach of the community and the community's use activities. The eight factors are:

- (1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;
- (2) A pattern of use recurring in specific seasons for many years;
- (3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;
- (4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;
- (5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally

used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;

(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

(8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

Id. § 100.16(b). Factors (1)-(3) and (6)-(8) refer to a "pattern of use." This use is not the use of a species in general. Rather, the "use" is the "community's or area's use of specific fish stocks and wildlife populations," as specified in subsection (a). *Id.* § 100.16(a).¹⁸ Thus, six of the eight factors direct the FSB to consider use relative to a specific wildlife population or fish stock, and, by extension, relative to the geographic reach of that population or stock. Geographic limitations to the C & T determination are also explicit in factor (4), which directs the FSB to consider "[t]he consistent harvest and use of fish or wildlife . . . near, or reasonably accessible from, the community or area." *Id.* § 100.16(b)(4).

[12] Federal Defendants further contend that requiring a geographic basis for a C & T determination works at cross purposes with ANILCA because ANILCA was enacted to

¹⁸We note also, however, that a community's or area's use of a species in general may be relevant to that community's or area's use of a specific population of that species.

protect the subsistence lifestyle enjoyed by rural Alaskans, not to limit subsistence use to the traditional reach of those rural communities. We do not find this argument convincing. As we noted previously, ANILCA serves a dual purpose: protecting and preserving the subsistence lifestyle and protecting and preserving wildlife. 16 U.S.C. § 3101(b)-(c). Granting C & T determinations that are limited to the areas in which communities have traditionally harvested a resource serves both purposes. The geographic limitation protects the subsistence activities traditionally practiced by rural Alaskans and protects species by ensuring that only those communities that have traditionally taken from a population are given a priority to do so in the future.

[13] In fact, the alternative proposed by Federal Defendants would give the FSB the discretion to grant a rural community a state-wide C & T determination for a species as long as that community could demonstrate a subsistence use of that species. There is no support in ANILCA or its implementing regulations for such unfettered discretion. Moreover, the resulting pressures on fish and wildlife could threaten the continued viability of specific fish stock and wildlife populations and the communities that depend on those populations for subsistence use. Thus, we conclude that the FSB's decision to grant Chistochina a C & T determination for moose in areas B and C of GMU 12 cannot be supported simply by a finding that Chistochina residents used moose for subsistence purposes.

Prior to this litigation, the FSB surely agreed. The FSB's analysis of Chistochina's proposal focused entirely on whether Chistochina residents took moose within areas B and C of GMU 12. The proposal template used by Chistochina, and created by the FSB, directs an applicant for a C & T determination to describe *where* the resource in question has been harvested. The staff analysis recommended granting the C & T determination because the facts demonstrated "that residents of Chistochina have used moose in [areas B and C]

since the late 19th century." Indeed, if the FSB simply needed to find that the Chistochina community had a C & T use of moose anywhere in order to extend Chistochina's C & T determination to all of GMU 12, no deliberative process would have been necessary. Chistochina already had a C & T determination for moose in GMU 12 area A and GMUs 11 and 13. The record shows that the entire purpose of the C & T determination process was to determine whether Chistochina residents demonstrated C & T use of moose within areas B and C of GMU 12. If the FSB had not so found, we doubt that it would have granted Chistochina residents a C & T determination for moose in those areas.

[14] Federal Defendants further contend that the FSB's line-drawing decision was not arbitrary and capricious because it was rationally based on administrative convenience. Although a representative from the Alaska Department of Fish and Game proposed a narrower C & T determination, the FSB declined to create a new C & T determination area within GMU 12 for Chistochina because a new area would provide "no additional benefit to management." The Staff Committee recommendation explained the use of both whole units and subdivisions by explaining that differences in classification "reflect differences in the intensity of management required for either biological conservation or allocation purposes." Further, in response to Alaska's request for reconsideration, the FSB pointed out that Alaska had previously "discouraged the Board from subdividing units so as to avoid creating a patchwork of customary and traditional use determinations," and argued that using established units would be clearer to the public than providing individual maps for individual C & T determinations.

[15] While the FSB did not explicitly state what it considered the benefit to management, we can reasonably discern the benefit from the record. If the FSB had to restrict every C & T determination to the precise area in which a rural community had demonstrated C & T use of a wildlife population,

the C & T determinations would quickly become unmanageable. For example, if the three C & T determination areas for moose within GMU 12 were replaced by a separate C & T determination area for each rural community within GMU 12, GMU 13, GMU 11 north of the sixty-second parallel, Dot Lake, Healy Lake, and Chickaloon¹⁶ there could easily be a dozen or more unique C & T determinations for GMU 12 alone. Multiply the effect of those C & T determinations by the number of GMUs in Alaska — twenty-six — and it is readily apparent that such a system would soon be very difficult, if not impossible, to manage. Thus, we conclude that the FSB's determination that there exists a benefit to management to limiting the number of C & T determination areas within GMU 12 provided an additional rational basis for the FSB's decision.¹⁷

D. The C & T determination does not violate ANILCA's limitations and savings clause.

ANILCA contains a limitations and savings clause that provides, in relevant part:

Nothing in this subchapter shall be construed as —

¹⁶These are the communities that currently enjoy a C & T determination for moose within some portion of GMU 12. 50 C.F.R. § 100.24(a)(1) (2007).

¹⁷Alaska further contends that administrative convenience cannot provide a basis for the broader C & T determination because the determination infringes on state sovereignty. Alaska avers that it had to further restrict moose hunting on state lands in GMU 12 due to the added pressure on the resource from Chistochina subsistence hunters. Alaska's argument fails because the federal C & T determinations only affect wildlife resources on federal lands, not state lands. While moose do not adhere to federal and state boundaries, federal regulation of wildlife on federal land does not encroach on Alaska's sovereignty.

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife . . . , to continue subsistence uses of such populations, or pursuant to other applicable law[.]

16 U.S.C. § 3125. Alaska contends that the instant C & T determination places restrictions on nonsubsistence taking because granting Chistochina residents a federal subsistence priority to take moose throughout GMU 12 increases moose taking and thus necessitates greater conservation efforts by the state.

[16] State hunting regulations for GMU 12 promulgated after the C & T determination for Chistochina in areas A and B contained more restrictions than the regulations in place prior to the C & T determination.¹⁶ This fact, however, does not demonstrate that the C & T determination authorizes a restriction on the nonsubsistence use of moose in GMU 12. A C & T determination does not limit nonsubsistence use; it simply allows for subsistence use. ANILCA's limitation provision does not prevent the FSB from regulating subsistence use simply because a collateral effect of the regulation might cause a separate regulatory body to place restrictions on nonsubsistence use. It only prohibits the agency itself from limiting nonsubsistence use.

¹⁶For example, state regulations for the 2005-2006 hunting season restricted the moose take from August 24-28 to "one bull with spike-fork antlers or 50-inch antlers or antlers with 4 or more brow tines on one side" in "[t]hat portion drained by the Little Tok River upstream from and including the first eastern tributary from the headwaters of Tuck Creek." Alaska Admin. Code tit. 5, § 85.045 (2005). Regulations for the 2006-2007 hunting season tripled the area subject to this restriction. Alaska Admin. Code tit. 5, § 85.045 (2006) (applying the restriction on the same dates to "[t]hat portion in the Tok River drainage upstream from the Tok cutoff bridge").

V. Conclusion

[17] While we do not agree with several of the arguments advanced by Federal Defendants, we ultimately conclude that the FSB's decision to grant Chistochina residents a C & T determination for moose in GMU areas B and C was not "arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law" under the APA. 5 U.S.C. § 706(2)(A). Deferring to the agency's decision, we affirm the district court's order granting summary judgment to all Defendants.¹⁹

The judgment of the district court is **AFFIRMED**.

¹⁹Intervenors' request for attorney's fees under ANILCA, 16 U.S.C. § 3117(a), is denied because Alaska's claim arises under the APA and not ANILCA. See footnote 7, *supra*, and accompanying text.